

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DAVID TIMOTHY MOORE,

Plaintiff,

V.

GEORGIA BOARD OF PARDONS
AND PAROLES, *et al*,

Defendants.

[illegible]

CIVIL ACTION NO.
1:23-cv-1109-AT

ORDER

This action is before the Court on plaintiff's Application for Leave to Appeal in Forma Pauperis [Doc. 16].

On June 29, 2023, the Court overruled plaintiff's objections and adopted the Magistrate Judge's Report and Recommendation, dismissing the action for failure to state a claim for relief pursuant to 28 U.S.C. §1915A.

Plaintiff has filed a Notice of Appeal of the Court's Order adopting the Report and Recommendation [Doc. 11], and plaintiff now moves to proceed with his appeal *in forma pauperis* [Doc. 16].


“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). An appeal is taken in good faith if, viewed objectively, the party “seeks

appellate review of any issue not frivolous.” *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

After reviewing plaintiff’s Notice of Appeal and his application to appeal *in forma pauperis*, the Court concludes that he does not present any non-frivolous issues for appeal. Plaintiff does not explain the basis for his appeal of the Court’s prior Order. More specifically, plaintiff still has not shown how this Court erred in its findings.

Accordingly, plaintiff’s application to appeal *in forma pauperis* [Doc. 16] is not taken in good faith and is therefore **DENIED**. Any further request to proceed *in forma pauperis* on appeal should be directed, on motion, to the United States Court of Appeals for the Eleventh Circuit, in accordance with Rule 24(a)(5) of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED this 3rd day of August, 2023.


AMY TOTENBERG
UNITED STATES DISTRICT JUDGE